IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Crl.MC.No. 222 of 2007()

AGAINST THE JUDGEMENT/ORDER IN CRRP.587/1997 Dated 13/09/2006

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PETITIONER: PETITIONER

THADIYANANIKKAL VEETTIL GEORGE,
S/O.JOSEPH, VETTILAPARA VILLAGE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: RESPONDENTS

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1. FOREST RANGE OFFICER, EDAVANNA,
MALAPPURAM DISTRICT.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.222 of 2007

Dated this the 15th day of February, 2007

ORDER

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 27(1) and (2) of the Kerala Forest Act. The verdict of guilty and conviction have become final with the order dated 13.09.2006 in Crl.R.P.587 of 1997 passed by another Bench of this Court. The sentence was indulgently modified by this Court. It was directed as follows:

> "In the circumstances of the case, thus, the Court orders that the petitioner would pay a fine of Rs.5,000/- (Rupees five thousand only) within two months from today and would not serve the jail term at this stage. In case fine is not paid, the petitioner would serve the sentence recorded by the Courts below."

(emphasis supplied)

2. The petitioner could not pay the amount within the stipulated period of 2 months and the petitioner again came to this Court and the same was considered by the Honourable Chief Justice V.K.Bali as per order dated 06.12.2006 and the petitioner was granted extension of time by one month. Even within that period, the payment was not made. The petitioner has come to this Court now with this Crl.M.C for a direction to permit the petitioner to deposit a fine amount after granting extension of time. As the learned Chief Justice who passed the earlier orders have demitted office by now, this petition is placed before this Court for disposal.

3. Interim directions were issued on 30.01.2007 and it is now reported to this Court that the said amount of Rs.5,000/- has been remitted by the petitioner before the learned Magistrate on 02.02.2007.

4. Considering the nature of the order passed by this Court in the criminal revision, the petitioner must have ensured that the amount of Rs.5,000/- is paid as directed in the order dated 13.09.2006, which time limit was later extended by the order dated 06.12.2006. The conduct of the petitioner not complying with those directions is quite unsatisfactory. But at any rate, I am satisfied that considering the peculiar circumstances of this case, the petitioner can be granted extension of time till 02.02.2007, by which date the amount has been paid.

5. This Crl.M.C is, in these circumstances, allowed. It is directed that the payment made on 02.02.2007 must be reckoned as sufficient compliance of the earlier directions.

(R.BASANT, JUDGE)

rtr/-